

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Rathod Vijay Kumar S/o Rathod Prem Singh R/o Thadihathnoor (V) of Narnoor Mandal of Adilabad District by the Collector and District Magistrate, Adilabad District vide Procs. Rc.No. C3/2596/2019-18, dated 31.01.2020 - Appeal filed by Rathod Vijay Kumar S/o Rathod Prem Singh R/o Thadihathnoor (V) of Narnoor Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 26

Dated: 11-02-2021

Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-18, dated 31.01.2020 of the Collector and District Magistrate, Adilabad District.
3. Appeal petition filed by Rathod Vijay Kumar S/o Rathod Prem Singh R/o Thadihathnoor (V) of Narnoor Mandal of Adilabad District, dated 25.02.2020.
4. Govt.Memo.No.305/TW.LTR/2020, dated 06.06.2020.
5. Lr.No.D5/309/2018, Dt:30.07.2020 of PO.ITDA, Uttnoor Mandal, Adilabad District.
6. Notice No305/TW.LTR/2020, dated: 28-08-2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector and District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has issued orders declaring that Rathod Vijay Kumar S/o Prem Singh R/o Thadihatnoor village of Narnoor Mandal of Adilabad District is not a Local ST as per definition of G.O.Ms.No.24, TW (LTR.1), dt.12.06.2018, basing on the following grounds of the Scrutiny Committee headed by PO ITDA Uttnoor:

- Rathod Vijay Kumar S/o Prem Singh R/o Thadihatnoor village of Narnoor Mandal of Adilabad District appeared before the Committee on 16.11.2019 and submitted the following documents in support of his claim:
 - Copy of 1950 Pahani in Sy.No.38 PP.
 - Copy of voter list for the year 1959 of polling station Thadihathnoor of Asifabad Constituency at Sl.No.277 to 280 the names Sri Maniram S/o Rathansing and his wife Smt.Rukmi Bai W/o Maniram and other family members names were recorded.
 - Copy of voters list for the year 1977 of PS No.97 of Thadihathnoor in Asifabad constituency at Sl.No.59 the name of Sri Muniram S/o Rathansing was recorded.

(Contd...2)

- On verification, the Scrutiny Committee found that there is no evidence to prove his existence in agency area w.e.f. 1950 as verified with reference to GO Ms.No.24, TW (LTR.1) Department.
- A show cause notice was issued to Rathod Vijay Kumar S/o Premsingh to attend before the Dist. Collector, Adilabad on 30.01.2020 and submit reply in writing while enclosing the voter list of 1959 and 1995.
- Accordingly, Rathod Vijay Kumar attended before the District Collector on 30.01.2020 and on verification/scrutiny of documents – 1959 voter list produced by the applicant is tampered & forged. Further, in the voter list of 1971, name of Sri Mohan S/o Narsing is found enrolled at Sl.No.277 but as per family tree particulars furnished by the applicant, grandfather's name is shown as Sri R.Mohan Singh S/o Rathan Singh instead of Mohan S/o Narsing.
- The applicant has produced forged records and failed to prove continuous residence in agency area prior to 1950 as per GO Ms.No.24, TW (LTR.1) Department.

3. Aggrieved by the above cancellation orders of the Collector and District Magistrate, Adilabad, the appellant Rathod Vijay Kumar S/o Premsingh has filed an appeal before the Government under GO Ms.No.24, dt.12.6.2018, wherein he stated that:

- Before cancellation of Agency Area ST Certificate by the Collector and District Magistrate, Adilabad, no show cause notice was issued to him. Suo-moto cancellation without any enquiry and findings by the Enquiry Officer deserves to be set-aside.
- There is no justification to cancel the AALSTC in the absence of any proof of evidence, relevancy and facts with circumstances and neither discarded the relevant certificates nor confronted with the incriminating documents, admissibility of facts.
 - Khasra Pahani 1950 under 38 PP Maniram S/o. Rathan singh (Cousin Brother of Mohan Singh S/o Narsingh) owns the whole family property. After death of Mohan Singh S/o. Narsingh in 1973-74, Maniram S/o Rathan Singh married Devuka Bai W/o (Late) Mohan Singh S/o Narsing due to family reasons which indicates that Mohan Singh S/o Narsingh and Maniram S/o Rathan Singh are belonging to the same family.
 - Copies of Voter list 1959 of polling station Thadihathnoor of Asifabad constituency at Sl.No:277 to 280 show the name of Maniram S/o Rathan singh.
 - Voter list 1977 shows Smt. Rukhmi Bai W/o Maniram and family members were recorded in P.S.No.97 of Thadihathnoor in Asifabad constituency at Sl.No.59 disclosed the name of Sri Maniram S/o Rathan singh, Devuka Bai W/o Maniram and family members were recorded.

- Copy of transfer certificate bearing no.29399, dt.10-03-1991 the name of Rathod Prem singh S/o Mohan Singh having the date of birth shown as 15-08-1964 issued by UPS Thadihathnoor.
- **Village Elders Declaration** stating that the appellant father and grandfather i.e., Mohan Singh belongs to Thadihathnoor village of Narnoor Mandal of Adilabad district have been continuously living since 1944 to till.

Hence, it clearly disclosed that the scrutiny committee and Collector and District Magistrate have miserably failed to ascertain the gravity, identity, relevancy and facts of circumstances that the forefather, great grandfathers are continuously residing in agency and notified village only and requested the Government to take all the above into consideration as genuine and set aside orders of the Collector and District Magistrate, Adilabad.

4. The appellant Rathod Vijay Kumar S/o Rathod PremSingh R/o Thadihathnoor (V) of Narnoor Mandal of Adilabad District has submitted the following documents along with the Appeal and also during hearing on 5.9.2020.

i) Family Tree

- Rathan Singh is great grandfather of appellant. He has three sons namely 1) Maniram 2) Mohan Singh (grandfather of appellant) and 3) Dool Singh.
- Mohan Singh (grandfather of appellant) has five sons namely 1) Prakash 2) Premsingh (father of appellant) 3) Keshav 4) Badan Singh and 5) Gulab Singh.
- Premsingh (father of appellant) has three children viz., 1) Sanjeev Kumar (son) 2) Vijay (son and appellant) 3) Sujatha (daughter).

The above family tree has been certified by VRO, MRI and Dy.Tahsildar and also by the Sarpanch, GP Thadihadapnoor of Narnoor Mandal.

- ii) Namuna No.5,6,7 – Takhta Faisal Patti – village: Tadihadapnoor – Taluq: Utnoor – Year 1950 AD – name of Maniram S/o Rathansingh (eldest brother of grandfather of appellant) was shown for an extent of acs.8.25.
- iii) Khasra Pahani 1954-55 – village: Thadihadapnoor – shows an extent of acs.8.25 in the name of Maniram S/o Rathansingh as Pattedar (eldest brother of grandfather of appellant).
- iv) Pahani 1964-65 – Thadihatnoor village – shows an extent of acs.8.25 in Sy.No.38/10 in the name of Maniram S/o Rathansingh as pattedar.

(Contd...4)

- v) Pahani 1970-71 – Thadihatnoor village – shows an extent of acs.0.24 in Sy.No.38/9, acs.8.25 in Sy.No.38/10 and acs.4.15 in Sy.No.38/11 in the name of Maniram S/o Rathansingh (eldest brother of grandfather of appellant).
- vi) Pahani 1989-90 – Thadihatnoor village – shows an extent of acs.1.20 in Sy.No.38/7, acs.3.00 in Sy.No.38/8, acs.0.24 in Sy.No.38/9 and acs.8.25 in Sy.No.38/10, acs.4.15 in Sy.No.38/11 in the name of Maniram S/o Rathansingh (eldest brother of grandfather of appellant).
- vii) Pahani 1995-96 – Thadihadapnoor village – shows an extent of acs.8.25 in Sy.No.38/10, acs.4.15 in Sy.No.38/11 in the name of Maniram S/o Rathansingh (eldest brother of grandfather of appellant).
- viii) Pahani 2001-2002 – Thadihatnoor village – shows an extent of acs.8.25 in Sy.No.38/10, acs.4.15 in Sy.No.38/11 in the name of Maniram S/o Rathansingh (eldest brother of grandfather of appellant).
- ix) Pahani 2009-2010 – Thadihatnoor village – shows an extent of acs.0.24 in Sy.No.38/9, acs.8.25 in Sy.No.38/10, acs.4.15 in Sy.No.38/11 in the name of Maniram S/o Rathansingh (eldest brother of grandfather of appellant).
- x) Pahani for the Fasli 1426 (year 2016) – Thadihatnoor village - shows an extent of acs.8.25 in Sy.No.38/10 in the name of Muniram S/o Rathansingh (eldest brother of grandfather of appellant).
- xi) Voter list for the year 1977 – Khanapur Assembly Constituency – Part No.97 – village: Tadi Hadpnur – Firka: Utnoor – Taluq: Utnoor – show names of Muniram S/o Rathansingh (eldest brother of grandfather of appellant) and his wife Devukabai at Sl.No.59 and 60 under H.No.1-22.
- xii) Copy of Transfer Certificate bearing No.29/29399 issued by the School in the name of R.Prem (father of appellant) R/o Thadihadapnoor showing Date of Birth as 15.8.1964.
- xiii) Certificate bearing No.B/3852/2011, dt.26.11.2011 issued by Tahsildar, Narnoor – wherein it was certified that Kumar Rathod Vijay Kumar S/o Premsingh belongs to ST Lambada community is presently residing at Tadihatnoor village of Narnoor Mandal, Adilabad District, which is Scheduled Notified Agency village.
- xiv) Certificate of Proof of Local ST Candidate bearing No.B/738/2013, dt.24.07.2013 issued by Tahsildar, Narnoor – wherein it was certified that Kumar R.Vijay Kumar S/o Premsingh – DoB is 15.06.1988 belongs to ST Sub-caste LAMBADIS is residing at THADIHADAPNOOR village of NARNOOR Mandal, Adilabad District, which falls within the Scheduled area since 26.1.1950 year. His parents have been residing in THADIHADAPNOOR village of NARNOOR Mandal which falls within the Scheduled Area since 26.1.1950.

- xv) Local Area Certificate bearing No.B/210/2016, dt.16.07.2016 issued by Tahsildar, Narnoor Mandal – wherein it was certified that Rathod Vijay Kumar S/o Rathod Prem Singh as per school record his date of birth is 15.06.1988, he is residing at Thadihapnoor Agency village of Narnoor Mandal, Adilabad District, which is a notified area.
- xvi) Agency Area Local ST Certificate bearing Rc.No.B/87/2018, dt.30.06.2018 – issued by Tahsildar, Narnoor Mandal – wherein it was certified that Rathod Vijay Kumar S/o Rathod Prem Singh belongs to ST (Lambadis) scheduled Tribe community notified under Article 342 of the Constitution of India in the State of Telangna, himself, his parents/grandparents have been continuously residing at village Tadihadapnoor since 26.01.1950 which is a notified scheduled village as per Scheduled Areas (Part B States) Order, 1950
- xvii) Village elders declaration signed by 1) R.Madhukar and 15 others – also signed by Sarpanch and Upa Sarpanch of GP Thadihadapnoor of Narnoor Mandal – wherein they stated that Sri Rathod Prem Singh S/o Mohan Singh (father of appellant) has been continuously living in their village i.e. Thadihadapnoor from 1944 to till date.

5. Vide reference 4th read above, the Collector and District Magistrate, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

6. Accordingly, vide reference 5th read above, the PO ITDA, Utnoor District has submitted original record of the case along with para wise remarks.

7. Vide reference 6th read above, a Notice has been sent to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 submitted documents in support of her claim that they have been residing in the Agency Area since 1944 till date.

8. From the above documentary evidences, it is found that the appellant and his forefathers have been continuously living in the agency village i.e. Thadihadapnoor (Thadihatnoor) village of Narnoor Mandal in Adilabad District, from 1944.

9. From the record, there is no complaint made against the Appellant Rathod Vijay Kumar S/o Rathod Prem Singh, R/o Thadihathnoor village of Narnoor Mandal, Adilabad district and the Collector and District Magistrate, Adilabad ought to have informed the same to the appointing authority about her genuineness as per the above directions of the Hon'ble High Court, but instead conducted inquiry into the agency area local ST status of the candidate and declared him as not Local ST of Agency village. Non-compliance of Hon'ble High Court directions would attract proceedings. On this count also, the appeal deserves to be allowed.

10. Government after careful examination of the documents available on record sent by the PO, ITDA, Utnoor, Adilabad District, and documents

(Contd...6)

::6::

submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018 it is found that the Appellant Rathod Vijay Kumar S/o Premsingh R/o Thadihatnoor village and his fore-fathers have been the continuous residents of agency villages of Adilabad District.

11. Accordingly, Government hereby set aside orders of the Collector and District Magistrate, Adilabad in Procs.No.C3/2596/2019-18, dt.31.01.2020 and allow the Appeal Petition filed by Rathod Vijay Kumar S/o Rathod Premsingh, R/o Thadihathnoor village of Narnoor Mandal, Adilabad district and treating him as Local ST candidate of Thadihathnoor agency village of Narnoor Mandal, Adilabad District and also his Agency Area Local ST Certificate bearing Rc.No. B/87/2018, dt.30.6.2018 is treated as valid.

12. The Collector and District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Adilabad District.
2. Rathod Vijay Kumar S/o Rathod Premsingh, R/o Thadihathnoor village of Narnoor Mandal, Adilabad district.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA, Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER